



**U.S. Citizenship  
and Immigration  
Services**

**Non-Precedent Decision of the  
Administrative Appeals Office**

In Re: 31569911

Date: JUL. 10, 2024

Appeal of Nebraska Service Center Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner, a judoka, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Nebraska Service Center denied the petition, concluding that the Petitioner had not satisfied the initial evidentiary criteria, of which he must meet at least three. In addition, the Director determined that the Petitioner had not established that he seeks to enter the United States to continue work in the area of extraordinary ability. The matter is now before us on appeal. 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter *de novo*. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon *de novo* review, we will dismiss the appeal.

**I. LAW**

Section 203(b)(1)(A) of the Act makes visas available to immigrants with extraordinary ability if:

- (i) the [noncitizen] has extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim and whose achievements have been recognized in the field through extensive documentation,
- (ii) the [noncitizen] seeks to enter the United States to continue work in the area of extraordinary ability, and
- (iii) the [noncitizen's] entry into the United States will substantially benefit prospectively the United States.

The term “extraordinary ability” refers only to those individuals in “that small percentage who have risen to the very top of the field of endeavor.” 8 C.F.R. § 204.5(h)(2). The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis. First, a petitioner can demonstrate recognition of their achievements in the field through a one-time achievement (that is, a major, internationally recognized award). If that petitioner does not submit this evidence, then they must provide sufficient qualifying documentation that meets at least three of the ten criteria listed at 8 C.F.R. § 204.5(h)(3)(i) – (x) (including items such as awards, published material in certain media, and scholarly articles).

Where a petitioner meets these initial evidence requirements, we then consider the totality of the material provided in a final merits determination and assess whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115 (9th Cir. 2010). (discussing a two-part review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011).

## II. ANALYSIS

The Petitioner, a judoka, intends to continue his activities as a judo competitor in the United States.

### A. Evidentiary Criteria

Because the Petitioner has not indicated or established that he has received a major, internationally recognized award, he must satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). Although the Petitioner claimed to meet the plain language requirements of the evidentiary criteria at 8 C.F.R. § 204.5(h)(3) related to lesser awards (i), memberships (ii), and published materials (iii), the Director determined that he satisfied none of them. On appeal, the Petitioner maintains eligibility for these three criteria and asserts that the Director’s decision was erroneous.

Upon de novo review, we agree with the Director’s determination that the Petitioner has not satisfied the initial evidence requirements by meeting at least three of the criteria at 8 C.F.R. § 204.5(h)(3).

*Documentation of the [noncitizen’s] receipt of lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor.* 8 C.F.R. § 204.5(h)(3).

To fulfill this criterion, the Petitioner must demonstrate that he received prizes or awards, and they are nationally or internationally recognized for excellence in the field of endeavor. Relevant considerations regarding whether the basis for granting the prizes or awards was “excellence in the field” include but are not limited to: the criteria used to grant the awards or prizes, the national or international significance of the awards or prizes in the field, and the number of awardees or prize recipients, as well as any limitations on competitors. *See generally* 6 USCIS Policy Manual F.2(B)(1), <https://www.uscis.gov/policymanual>.

At the time of filing, the Petitioner submitted numerous documents as well as photographs of medals and trophies. In a request for evidence (RFE), the Director advised the Petitioner that his initial evidence did not establish that he was the recipient of a nationally or internationally recognized prize or award for excellence in his field and therefore did not meet the plain language of this criterion. Specifically, the Director noted that many of the documents and photographs submitted were not accompanied by a certified English translation as required by 8 C.F.R. § 103.2(b)(3), and further noted that some of the awards appeared to be earned at youth competitions. The Director provided a list of the types of evidence he could provide to establish eligibility and advised him of the need for translations of any foreign language documentation submitted.

In response, the Petitioner submitted photographs of trophies and medals, with accompanying documentation from the Georgian Judo Federation and [REDACTED] Judo Club identifying the competition and where the Petitioner placed in each competition. The Petitioner also submitted results statements from competitions as well of photographs of the Petitioner holding various awards. In denying the petition, the Director determined that the submitted evidence did not satisfy the plain language of the criterion. On appeal, the Petitioner asserts that the Director did not properly consider the documentary evidence and photographs submitted in response to the RFE and asserts he has met his burden.

While the record demonstrates that the Petitioner won several awards in the field of judo, the record does not sufficiently demonstrate national or international recognition for excellence in judo for the awards. Besides listing the placements, the record does not provide details of the awards. Without supporting documentary evidence to provide information regarding the actual competitions themselves, such as the sponsoring organizations of the events, the official entry requirements from the sponsoring organizations, the level of those who participated, or the degree of attention the events attract within the field, we cannot conclude that they are nationally or internationally recognized awards for excellence in judo. The documentation accompanying the photographs of the awards does not explain how these awards are nationally or internationally recognized for excellence in the field of endeavor. The burden is on the Petitioner to demonstrate the level of recognition and achievement associated with the awards.

Moreover, in response to the RFE, the Petitioner submitted documents relating to competitions he participated in after the petition's filing date, such as 2022 [REDACTED] Judo Invitational and the [REDACTED] [REDACTED] Judo Championships in [REDACTED] 2021. The documents may be considered to help establish the Petitioner's intention to continue working in the field of judo; however, they may not be considered to establish awards received by the Petitioner. The Petitioner must establish eligibility for the criterion as of the petition's filing date. *See* 8 C.F.R. § 103.2(b)(1).

After considering the record, the Petitioner has not met the plain language requirements of this criterion. While the above materials, and the others in the record, confirm the Petitioner's receipt of these awards, they do not demonstrate the national or international significance of the awards won, or that they are recognized for excellence in the field of judo, as required. The Petitioner has not submitted documentation sufficient to establish eligibility for this criterion.

*Documentation of the [noncitizen's] membership in associations in the field for which classification is sought, which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields.*  
8 C.F.R. § 204.5(h)(3)(ii).

U.S. Citizenship and Immigration Services (USCIS) determines if the association for which the person claims membership requires that members have outstanding achievements in the field as judged by recognized experts in that field. *See generally* 6 USCIS Policy Manual, *supra*, at F.2(B)(1). The petitioner must show that membership in the association requires outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts. *Id.*

Here, the Petitioner contends eligibility for this criterion based on his membership with the Georgian Judo Federation. In response to the RFE, the Petitioner submitted several statements from the Georgian Judo Federation pertaining to his membership and his competition history.

In denying the petition, the Director determined that the Petitioner had not submitted sufficient evidence establishing that the association requires outstanding achievements of its members, as judged by recognized national or international experts in their disciplines or fields. The Director also noted that despite the submission of the Petitioner's USAJUDO membership card, no additional documentation regarding the membership requirements for that organization had been submitted.

On appeal, the Petitioner first asserts that the Petitioner's membership in USAJUDO was not intended to establish that he met the plain language of this criterion, but rather to demonstrate his bona fide intent to continue competing in the sport. The Petitioner emphasizes that his eligibility under this criterion is based on his membership in the Georgian Judo Federation and asserts that the Director did not afford sufficient evidentiary weight to the submitted documentation.

Upon review, we agree with the Director's determination. The Petitioner submits multiple statements from the Georgian Judo Federation dated between July 2021 through November 2022. These statements address various issues, such as confirming the Petitioner's black belt status, affording the Petitioner permission to compete in USAJUDO sanctioned events, addressing the impact of the COVID-19 outbreak on judo competitions, and documenting an injury the Petitioner sustained that prohibited him from competing in 2021. Only one of these documents addresses the Petitioner's membership in the association.

Specifically, a statement from the organization's president, dated November 15, 2022, states that the Petitioner is a member of the Georgian Judo Federation. It does not state the date he became a member, nor does the record include a copy of his membership card or certificate such that we can determine whether he was a member of this association when he filed the petition. As previously noted, the Petitioner must establish eligibility at the time of filing. *See* 8 C.F.R. § 103.2(b)(1). Because this statement was drafted after the petition's filing and does not verify the date the Petitioner's membership with this association commenced, we are unable to determine whether the Petitioner was a member of this association at the time of filing, as required.

The statement further indicates: "If a sportsman meets all the criteria and can decently represent his country, he undoubtedly deserves to be a member of the national team." The statement, however, does

not provide insight on what type of criteria are required to be met, nor does it clarify if these criteria are for membership in the Georgian Judo Federation or the national team.

The statement further provides:

If not [the Petitioner's] successful career from a very young age and excellently won national and international competitions, he would not have been a member of the Georgian judo team because our judo coaches thoroughly check and observe every athlete's performance in every context. After becoming a member of the National Judo Team, [the Petitioner] showed his talent and become at the top of the judo and exceeded his abilities by being number one at his weight categories. [The Petitioner] has represented Georgia (country) countless and he is truly a worthy and strong opponent for all judokas.

This statement does not demonstrate that the requirements for membership in the Georgian Judo Federation are comparable to the regulatory requirement of outstanding achievements, nor does it demonstrate that admittance to this association is determined by nationally or internationally recognized experts in the field. The Petitioner did not submit evidence, such as the bylaws or other official documentation of the association's membership criteria, such that we can evaluate whether the Petitioner's membership is qualifying. The Petitioner also did not provide evidence that admittance is determined by nationally or internationally recognized experts in the field.

Moreover, the statement is somewhat confusing, as it appears to focus more on the Petitioner's membership on the Georgian national judo team rather than his membership in the Georgian Judo Federation as references throughout the statement repeatedly refer to the team, not the association. The Petitioner has not documented his membership on the national team, nor does he provide supporting evidence showing that membership on this team required outstanding achievements. Although an athlete's membership on a major national team may serve to meet this criterion as such teams are limited in the number of members and have a rigorous selection process, it is the Petitioner's burden to demonstrate that he meets every element of a given criterion, including that he is a member of a team that requires outstanding achievements of its members, as judged by recognized national or international experts. We will not presume that every national "team" is sufficiently exclusive.

The Petitioner has not demonstrated his membership in associations requiring outstanding achievements in the field for which classification is sought, as judged by recognized national or international experts. Therefore, this criterion has not been met.

*Published material about the individual in professional or major trade publications or other major media, relating to the individual's work in the field for which classification is sought. Such evidence shall include the title, date, and author of the material, and any necessary translation. 8 C.F.R. § 204.5(h)(3)(iii).*

To fulfill this criterion, the Petitioner must demonstrate published material about him in professional or major trade publications or other major media, as well as the title, date, and author of the material. *See generally 6 USCIS Policy Manual, supra, at F.2(B)(1).*

In denying the petition, the Director noted that the Petitioner's initial submission consisting of various content from Wikipedia, social media screenshots, photos without attribution, and internet excerpts without ULRs were insufficient to meet this criterion. The Director further noted that the Petitioner's submission of numerous news articles were not acceptable because they were not accompanied by full English translations that complied with the requirements of 8 C.F.R. § 103.2(b)(3).

On appeal, the Petitioner does not contest the insufficiency of the Internet materials and photos submitted but asserts that the Director erroneously discounted the news articles which were submitted both initially and again in response to the RFE. The Petitioner states that contrary to the Director's observations, the articles were in fact accompanied by certified English translations, and the Director erred by discounting them on that basis.

Upon review, we concur with the Director's determination. Preliminarily, although the Petitioner no longer relies on the Wikipedia content, social media screenshots, photos, and Internet excerpts, we nevertheless note that they are insufficient to satisfy this criterion because many of the documents omit the title, date, and author of the material, and no evidence was submitted to demonstrate that such information was published in professional or major trade publications or other major media.

Next, any document in a foreign language must be accompanied by a full English language translation. 8 C.F.R. § 103.2(b)(3). Although the submitted articles are accompanied by English translations, they do not contain a certification from the translator that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. Rather, each translation contains a signature and an illegible seal in a foreign language at the bottom of each page. Despite being informed of this evidentiary deficiency in the RFE, the Petitioner declined to provide the requested translations that complied with the requirements of 8 C.F.R. § 103.2(b)(3) and now maintains on appeal that the translations are acceptable.

The translator, however, must certify that the English language translation is complete and accurate, and that the translator is competent to translate from the foreign language into English. *Id.* Because the Petitioner did not submit a properly certified English language translation of each article, we cannot meaningfully determine whether the translated material is accurate and thus supports the Petitioner's claims.

Nevertheless, even if we were to consider these materials, the submitted evidence is insufficient to meet the criterion. The submissions appear to be from *Lelo*, a Georgian newspaper. The Petitioner submitted no evidence to demonstrate that this publication qualifies as a professional or major trade publication or other major media as required by the plain language of this criterion. Moreover, while it appears that the articles discuss competition results of the Petitioner, numerous articles submitted do not identify an author. Therefore, even if we were to accept this material, it falls short of the plain language requirements of 8 C.F.R. § 204.5(h)(3)(iii).

We agree with the Director's conclusion that the Petitioner has not shown that he meets this criterion.

## B. Summary and Reserved Issue

The record does not establish that the Petitioner meets the three evidentiary criteria discussed above. As such, the Petitioner has not met the initial evidentiary requirement of three criteria under 8 C.F.R. § 204.5(h)(3). Since the identified basis for denial is dispositive of the Petitioner's appeal, we decline to reach and hereby reserve the Petitioner's arguments regarding whether he seeks to enter the United States to continue work in the area of extraordinary ability. Therefore, we reserve and will not address this remaining issue. *See INS v. Bagamasbad*, 429 U.S. 24, 25-26 (1976) (stating that, like courts, federal agencies are not generally required to make findings and decisions unnecessary to the results they reach); *see also Matter of D-L-S*, 28 I&N Dec. 568, 576-77 n.10 (BIA 2022) (declining to reach alternative issues on appeal where an applicant is otherwise ineligible).

## III. CONCLUSION

Because the Petitioner has not submitted the required initial evidence of either a one-time achievement or documents that meet at least three of the ten criteria at 8 C.F.R. § 204.5(h)(3), we need not provide the type of final merits determination described in *Kazarian*, 596 F.3d at 1119-20. Nevertheless, we advise that we have reviewed the record in the aggregate, determining that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought. The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields, rather than for individuals progressing toward the top. USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the Petitioner has submitted documentation of his achievements but has not demonstrated that these achievements have translated into a level of recognition that constitutes sustained national or international acclaim or demonstrates a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Furthermore, the record does not otherwise demonstrate that the Petitioner is one of the small percentage of individuals who have risen to the very top of the field of endeavor. Section 203(b)(1)(A) of the Act and 8 C.F.R. § 204.5(h)(2).

**ORDER:** The appeal is dismissed.